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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PHILLIP T. JOHNSON, 05B0575,

Plaintiff,

-v-

DECISION AND ORDER
05-CV-0859S(Sc)

MALDONALDO, Superintendent,
Monroe County Jail;
DR. KHANI, Dr. of Monroe County Jail;
and KRISTEN CATALANO, RN,
Director of Nursing at Monroe County Jail;

Defendants.

Plaintiff, who is incarcerated in the Elmira Correctional Facility, has requested permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) and has both met the statutory requirements and furnished the Court with a signed Authorization. Accordingly, plaintiff's request to proceed as a poor person is hereby granted. In addition, plaintiff's complaint has been screened by the Court with respect to the 28 U.S.C. §§ 1915(e) and 1915A criteria.

The Court notes that there is a letter from plaintiff's former attorney included in the exhibits section of the complaint that may have been inadvertently included in the exhibits. The letter contains confidential information from plaintiff's attorney. The Court does not presume that plaintiff intended to waive his attorney client confidentiality with regard to this letter. Accordingly, the letter found at page 21 of the section entitled "Complainant Made On Plaintiff's Behalf" will be removed from the complaint and returned to plaintiff unless

plaintiff informs the Court by **June 13, 2006** that he intends to include the letter in his exhibits and waive any attorney/client privilege attached thereto.

The Clerk of the Court is directed to file plaintiff's papers after **June 13, 2006**, and to cause the United States Marshal to serve copies of the Summons, Complaint, and this Order upon the named defendants without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.

Pursuant to 42 U.S.C. § 1997e(g)(2), the defendants are directed to answer the complaint.

SO ORDERED.

Dated: May 24, 2006
Rochester, New York

Charles J. Stragusa
CHARLES J. STRAGUSA
United States District Judge